

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
OF THE STATE OF MONTANA

In the matter of the proposed adoption of)	NOTICE OF PUBLIC HEARING
New Rule I and the amendment of ARM)	ON PROPOSED ADOPTION AND
10.7.101, 10.7.104, 10.7.105, 10.7.106,)	AMENDMENT
10.7.106A, 10.7.109, 10.7.111, 10.7.113,)	
10.7.118, 10.10.301, 10.10.306, 10.10.310,)	
10.15.101, 10.16.3818, 10.20.102,)	
10.20.102A, 10.20.104, 10.21.101B,)	
10.21.101H, 10.21.201, 10.21.202, 10.21.203,)	
10.21.204, 10.22.102, and 10.23.103,)	
relating to school finance)	

TO: All Concerned Persons

1. On July 30, 2008 at 9:00 a.m. a public hearing will be held in the superintendent's conference room at 1227 11th Avenue, Helena, Montana, to consider the adoption and amendment of the above-stated rules.

2. The State Superintendent will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the State Superintendent's office no later than 5:00 p.m. on July 16, 2008, to advise us of the nature of the accommodation that you need. Please contact Beverly Marlow, Legal Division, P.O. Box 202501, Helena, MT 59620-2501, telephone: (406) 444-3172, TDD number: (406) 444-0235, FAX: (406) 444-2893, e-mail: opirules@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I INITIAL YEAR OF OPERATION OF A FULL-TIME KINDERGARTEN PROGRAM - ANB CALCULATION (1) School district trustees may apply to the Superintendent of Public Instruction for increased ANB for the initial year of operation of a full-time kindergarten program as provided in 20-9-313, MCA.

(2) The additional ANB for the ensuing year shall be calculated by elementary budget unit as follows:

(a) determine the average prior year kindergarten enrollment for the semiannual enrollment counts;

(b) multiply the amount calculated in (2)(a) by the anticipated percentage of kindergarten students enrolled in the district in 20XX-1, rounding the percentage to two decimal places (i.e., XX.XX%);

(c) recalculate the district's ANB per ARM 10.20.102 using the adjusted average kindergarten enrollment count calculated in (2)(b); and

(d) determine the increase in ANB by subtracting the original ANB from the ANB calculated in (2)(c).

AUTH: 20-3-106, 20-9-102, MCA
IMP: 20-9-166, 20-9-311, 20-9-314, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to adopt this rule to implement full-time kindergarten programs adopted under SB 2 in the 2007 Special Legislative Session.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.7.101 INTRODUCTION (1) and (2) remain the same.

(a) By July 1 a district must send copies of all completed school bus contracts to the county superintendent.

~~(a)~~ (b) By the fourth Monday in June July 1 a district must do all of the following:

(i) complete and sign transportation contracts (four three copies) for the ensuing year;

(ii) send to the county superintendent copies of all completed individual transportation contracts; and

(iii) submit individual transportation contracts electronically to the Superintendent of Public Instruction.

~~(b) By July 1 a district must send to the county superintendent copies of all completed school bus contracts and copies of all completed individual transportation contracts.~~

(c) By the fourth Monday in June July a county transportation committee (CTC) must act to approve or not approve all bus routes established by districts. The CTC must also act on all applications for increased individual payments due to isolation. Approval of board of trustees for increased payments is required prior to CTC action.

~~(d) By July 10 the county superintendent must send one copy of all individual transportation contracts to the Superintendent of Public Instruction.~~ By October 1, the county superintendent must electronically acknowledge receipt of all individual transportation contracts and electronically authorize individual transportation contracts for which the CTC has approved increased payments due to isolation.

(e) and (f) remain the same.

~~(g) By October 1 a district must send the county superintendent two copies of the TR-1 for each bus route.~~ By November 1 a district must send the county superintendent one copy of the TR-1 for each bus route and submit a TR-1 for each bus route electronically to the Superintendent of Public Instruction.

~~(h) By October 15 the county superintendent must send the state Superintendent of Public Instruction the TR-1 for each bus route.~~ By November 10 the county superintendent must electronically approve each TR-1 submitted by the district in (2)(g).

(i) By mid-November the Superintendent of Public Instruction must electronically notify county superintendents and district clerks of the approved rates for individual and isolated contracts.

~~(i) By mid-October OPI must notify county superintendents and district clerks of the approved rates for individual and isolated contracts.~~

(j) Upon receipt of the approved rates required in (2)(i) a district must provide a copy of the contract to each parent, guardian, or emancipated minor with whom the district holds a contract.

(k) remains the same.

~~(l) By mid-January OPI will mail the TR-5, School District Claim for Individual Transportation, and TR-6, Claim for Reimbursement for School Bus Transportation, to districts.~~

(m) remains the same but is renumbered (l).

~~(n) (m)~~ By February 15 a district must send the county superintendent ~~two~~ one copy of transportation claims TR-5 and TR-6 and submit the claims electronically to the Superintendent of Public Instruction.

(n) By February 22 the county superintendent must electronically authorize each district TR-5 and TR-6 claim for the first semester.

~~(o) By February 15 the county superintendent must send the Superintendent of Public Instruction one copy of each district's completed TR-5 and TR-6 claims for first semester transportation reimbursement.~~

~~(p) (o)~~ Upon receipt of electronic claims, the ~~state~~ Superintendent of Public Instruction verifies the claims and disburses the approved amount of state reimbursement for first semester transportation. Payments will be made on or before March 31.

~~(q) (p)~~ Upon receipt of electronic state payment notice the county superintendent orders the disbursement of county reimbursement for first semester transportation on the basis of state reimbursement.

~~(r) By April 30 OPI will mail the TR-5, School District Claim for Individual Transportation, and TR-6, Claim for Reimbursement for School Bus Transportation, to districts.~~

~~(s) (q)~~ By May 40 24 a district must send the county superintendent ~~two~~ one copy of completed transportation claims TR-5 and TR-6 and submit the claims electronically to the Superintendent of Public Instruction.

(r) By June 1 the county superintendent must electronically authorize each district TR-5 and TR-6 claim for the second semester.

~~(t) By May 24 the county superintendent must send the Superintendent of Public Instruction one copy of each district's completed TR-5 and TR-6 claims for second semester transportation reimbursement.~~

~~(u) (s)~~ Upon receipt of electronic claims the ~~state~~ Superintendent of Public Instruction verifies the claims and disburses the approved amount of state reimbursement for second semester transportation. Payments will be made on or before June 30.

~~(v) (t)~~ Upon receipt of electronic state payment notice the county superintendent orders the disbursement of county reimbursement for second semester transportation on the basis of state reimbursement.

~~(w) (u)~~ Whenever necessary, new individual transportation contracts received by the school district after final budget adoption are completed by the board of trustees. ~~The original contract is transmitted to the county superintendent. The county superintendent forwards the original to the Superintendent of Public~~

~~Instruction-~~ The district will enter and submit the contract electronically to the Superintendent of Public Instruction and submit the original to the county superintendent.

~~(x)~~ (v) Whenever required, the board of trustees issues Montana school bus driver certification to bus drivers and transmits the required copies to the county superintendent ~~and the Superintendent of Public Instruction. The district will submit new and amended driver certifications electronically, as they are updated, to the Superintendent of Public Instruction.~~

(y) remains the same but is renumbered (w).

AUTH: 20-3-106, 20-10-112, MCA

IMP: 20-9-134, 20-9-166, 20-10-101, 20-10-124, 20-10-147, 20-10-201, 20-10-202, 20-10-203, 20-10-204, 20-10-205, 20-10-206, 20-10-207, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.101, 10.7.104, 10.7.105, 10.7.106, 10.7.109, 10.7.111, and 10.7.118 to reflect changes in processes resulting from the OPI's implementation of an electronic reporting system for transportation.

10.7.104 CLAIM PROCEDURE (1) First semester:

(a) By February 15, the board of trustees must provides the county superintendent with ~~two~~ one complete ~~copies~~ copy of the first semester transportation claim, using forms provided electronically by the Superintendent of Public Instruction. The district claims must be signed by the chairman of the board of trustees and a copy must be retained on file at the district for audit purposes.

(b) By February 15, 22 the county superintendent must reviews each district's claim for completeness and accuracy, and ~~submits to~~ electronically notify the Superintendent of Public Instruction ~~a copy of the county superintendent's approval~~ of each district's first semester transportation claim.

~~(c)~~ Valid claims ~~received by the Superintendent of Public Instruction submitted by the district and approved by the county superintendent~~ after February 15 22 will be paid with the second semester transportation reimbursement.

(2) Second semester:

(a) By May 10, 24 the board of trustees must provides the county superintendent with ~~two~~ one complete ~~copies~~ copy of the second semester transportation claim, using forms provided electronically by the Superintendent of Public Instruction. The district claims must be signed by the chairman of the board of trustees and a copy must be retained on file at the district for audit purposes.

(b) By ~~May 24~~ June 1, the county superintendent must reviews each district's claim for completeness and accuracy, and ~~submits to~~ electronically notify the Superintendent of Public Instruction ~~a copy of the county superintendent's approval~~ of each district's second semester transportation claim.

~~(c)~~ Valid claims ~~received by the Superintendent of Public Instruction submitted by the district and approved by the county superintendent~~ after May 24 and by June 30 will be paid by September 30 of the following school year.

AUTH: 20-3-106, 20-10-112, MCA
IMP: 20-10-145, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.104 for the reasons stated following ARM 10.7.101.

10.7.105 PUPIL TRANSPORTATION CONTRACTS (1) School districts are required to have individual transportation contracts for the ensuing year signed by ~~the fourth Monday in June~~ July 1.

(2) ~~Four~~ Three copies of the contract form are needed: one for the individual or contractor providing the service, one for the district clerk, and one for the county superintendent ~~and one for the Superintendent of Public Instruction~~.

(3) and (4) remain the same.

AUTH: 20-3-106, 20-10-112, MCA
IMP: 20-10-121, 20-10-124, 20-10-143, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.105 for the reasons stated following ARM 10.7.101.

10.7.106 CONTENTS AND LIMITATIONS OF PUPIL TRANSPORTATION CONTRACTS (1) through (9) remain the same.

(10) The contract must be completed in its entirety, signed by the parent, legal guardian, or emancipated minor, ~~and signed by the chairman of the board of trustees on or before the fourth Monday in June preceding July 1 of the school year~~ for which the transportation is being provided. The signed contract is the authorization of the board of trustees to budget for that transportation expenditure necessary to meet the obligation imposed on the district by the contract. Each party to the contract and the county superintendent must receive a copy of the contract.

(11) remains the same.

(12) The district clerk must transmits each transportation contract to the county superintendent and submit each contract electronically to the Superintendent of Public Instruction by July 1, or as received and accepted by the board of trustees.

(13) ~~By July 10~~ October 1, or as received from the district, the county superintendent ~~transmits the original copy~~ must electronically verify the County Transportation Committee's receipt of each transportation contract to the Superintendent of Public Instruction. All individual contracts made between the same parent or legal guardian and different school districts (in the same county or in different counties) are gathered electronically by the Superintendent of Public Instruction and allocation of district responsibility for payment is made in compliance with the law and the Board of Public Education policy.

(14) ~~By mid-October~~ November, the Superintendent of Public Instruction electronically provides approved contract rates to the county superintendent and to each district clerk of a district providing individual contracts for transportation.

(15) remains the same.

(16) The district must retain a copy of each signed individual transportation contract on file for audit purposes.

AUTH: 20-3-106, 20-10-112, MCA

IMP: 20-5-321, 20-9-166, 20-10-101, 20-10-111, 20-10-112, 20-10-121, 20-10-124, 20-10-142, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.106 for the reasons stated following ARM 10.7.101.

10.7.106A TRANSPORTATION COSTS ALLOCATED BY OUT-OF-DISTRICT ATTENDANCE AGREEMENTS (1) through (3) remain the same.

(4) In accordance with 20-5-323, MCA, the over-schedule costs charged under an attendance agreement for the school year ~~199X~~ 20XX may not exceed the lesser of:

(a) through (9) remain the same.

AUTH: 20-10-112, MCA

IMP: 20-5-320, 20-5-321, 20-5-323, 20-10-141, 20-10-142, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.106A to correct a reference to a date.

10.7.109 BUS TRANSPORTATION REIMBURSEMENT-SCHOOL DISTRICT APPLICATION TR-1 FOR REGISTRATION OF SCHOOL BUSES AND STATE REIMBURSEMENT (1) remains the same.

(a) The trustees shall send ~~two copies~~ one copy of a TR-1 for each route to the county superintendent by ~~October 1. No later than October 15, the county superintendent must send one copy of a TR-1 for each route to the state Superintendent of Public Instruction for approval. November 1 and must submit the information for each route electronically to the Superintendent of Public Instruction.~~

(2) County and State approval of the electronic TR-1 is a prerequisite to reimbursement.

AUTH: 20-3-106, 20-10-112, MCA

IMP: 20-10-112, 20-10-128, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.109 for the reasons stated following ARM 10.7.101.

10.7.111 QUALIFICATION OF BUS DRIVERS (1) through (3) remain the same.

(4) The holding of a Montana school bus driver certificate is proof that the driver meets all the qualifications of the school transportation law. The bus driver

certificate forms are provided electronically by the Superintendent of Public Instruction for use by the board of trustees. The board issues a certificate to each driver who is authorized and qualified to drive, and files a copy with the county superintendent and ~~a copy~~ electronically files the certification information with the Superintendent of Public Instruction.

(5) and (6) remain the same.

(7) Districts must retain a signed copy of each bus driver certificate on file for audit purposes.

AUTH: 20-3-106, 20-10-112, MCA

IMP: 20-10-103, 20-10-112, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.111 for the reasons stated following ARM 10.7.101.

10.7.113 "TWO CONTRACT AMOUNT" REGULATION (1) through (1)(b) remain the same.

(c) If, because of a half-day time preschool or kindergarten program, a parent or guardian must make a separate trip to transport an eligible preschool or kindergarten transportee from the school or bus stop, the parent or guardian is eligible for reimbursement for this trip. A separate TR-4 form shall be used for this trip.

AUTH: 20-3-106, 20-10-112, MCA

IMP: 20-10-142, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.113 to correct a term defined in implementing ANB for full-time kindergarten programs under SB 2 (2007 Special Legislative Session).

10.7.118 SCHOOL TRANSPORTATION FORMS LISTED BY FORM NUMBER (1) remains the same.

(a) Forms supplied electronically by the Superintendent of Public Instruction;

(b) Forms completed by district officials, due in county superintendent's office by ~~October 4~~ November 1;

(c) Completed forms transmitted by county superintendent electronically to ~~the state~~ Superintendent of Public Instruction by ~~October 15~~ November 1;

(d) Forms electronically authorized by the county superintendent by November 10;

(e) Forms processed electronically, rated, and approved by the Superintendent of Public Instruction.

(2) and (2)(a) remain the same.

(b) Forms electronically supplied by the Superintendent of Public Instruction;

(c) Forms completed by district officials, due in county superintendent's office by ~~October 4~~ November 1;

- (d) and (3) remain the same.
- (a) Forms electronically supplied by the Superintendent of Public Instruction;
- (b) remains the same.
- (c) Forms completed by families and district officials by ~~fourth Monday in June~~ July 1 or as accepted by the district;
- (d) Completed forms due in the county superintendent's office by July 1 or as received from the district;
- (e) ~~Original~~ Electronic copy of each contract transmitted by the ~~county superintendent district~~ to the Superintendent of Public Instruction by ~~July 1~~ 10 ~~or as received from the county~~ and as electronically approved by the county superintendent;
- (f) The contracts are processed electronically, rated, and approved by the Superintendent of Public Instruction and the approved rates ~~sent~~ are available electronically to the county superintendent and district by mid-October.
- (4) remains the same.
- (a) Forms supplied electronically by the ~~state~~ Superintendent of Public Instruction each semester;
- (b) remains the same.
- (i) first semester by February 4, 15;
- (ii) second semester by May 10 24;
- (c) ~~Completed forms transmitted by the county superintendent to~~ authorizes the claim electronically the Superintendent of Public Instruction:
- (i) first semester by February 15, 22;
- (ii) second semester by ~~May 10~~ June 1;
- (d) Forms are verified electronically by the Superintendent of Public Instruction. After claims are verified, each district official and county superintendent receives from the Superintendent of Public Instruction a notification of the amount of reimbursement to be received by the district. The county treasurer receives from the Superintendent of Public Instruction a state payment with a list of districts and the amount each district is to receive.
- (5) remains the same.
- (a) Forms electronically supplied by the ~~state~~ Superintendent of Public Instruction each semester;
- (b) remains the same.
- (i) first semester by February 15, 22;
- (ii) second semester by May 10 24;
- (c) ~~Completed forms transmitted by the county superintendent to~~ authorizes the claim electronically the Superintendent of Public Instruction:
- (i) first semester by February 15, 22;
- (ii) second semester by ~~May 24~~ June 1;
- (d) Forms are electronically verified by the Superintendent of Public Instruction. After claims are verified, each district official and the county superintendent receive from the Superintendent of Public Instruction a notification of the amount of reimbursement to be received by the district. The county treasurer receives from the Superintendent of Public Instruction a state payment with a list of districts and the amount each district is to receive.
- (6) through (8) remain the same.

- (a) Forms supplied electronically by the Superintendent of Public Instruction;
- (b) through (d) remain the same.
- (i) ~~Superintendent of Public Instruction,~~
- (ii) county superintendent of schools;_;
- (iii) (ii) district official;_;
- (iv) (iii) Montana Highway Patrol official.
- (9) remains the same.
- (a) Certificate forms supplied electronically by the Superintendent of Public Instruction;
- (b) ~~Copies of certificate forms mailed to district officials upon request (county superintendent may request forms for district official's use);~~
- (c) Certificates issued by the board of trustees to drivers authorized to drive school buses;
- (d) (c) Completed copies of certificates filed with county superintendent of schools and filed electronically with the Superintendent of Public Instruction.

AUTH: 20-3-106, 20-10-112, MCA

IMP: 20-9-166, 20-10-101, 20-10-103, 20-10-111, 20-10-112, 20-10-124, 20-10-128, 20-10-132, 20-10-141, 20-10-142, 20-10-145, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.7.118 for the reasons stated following ARM 10.7.101.

10.10.301 CALCULATING TUITION RATES (1) The maximum regular education tuition rate a district may charge per student is 20% of the per ANB rate established in 20-9-306(10), MCA, for the first ANB for the year of attendance. For a kindergarten student enrolled in a half-time program as provided in 20-1-301(2)(a), MCA, and a preschool child with disabilities the rate is one-half the rate for an elementary student.

(2) through (5) remain the same.

AUTH: 20-5-312, 20-9-102, 20-9-201, MCA

IMP: Title 20, ch. 5, pt. 3, 20-6-702, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.10.301 to implement the creation of full-time kindergarten programs under 20-7-117, MCA and the provisions allowing districts to include full-time kindergarten students for purposes of ANB funding under 20-9-311, MCA (HB 2, 2007 Special Legislative Session). This change allows a district to charge parents of nonresident full-time kindergarten students the elementary tuition rate.

10.10.306 BANK ACCOUNTS OR OTHER DEPOSITORIES (1) remains the same.

(a) accounts with the state Board of Investments or investment firms maintaining a unified investment program in accordance with ARM ~~10.10.317~~

10.10.625;

(b) through (2) remain the same.

AUTH: 20-9-102, 20-9-201, MCA

IMP: 20-9-212, 20-9-504, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to correct the reference to administrative rule because ARM 10.10.317 was repealed in 2002 and the relevant provisions transferred to ARM 10.10.625.

10.10.310 UNOBLIGATED TUITION MONEY IN THE MISCELLANEOUS PROGRAMS FUND (1) remains the same.

(2) In accordance with generally accepted accounting principles, transfers due to the general fund are to be accrued by June 30 in the district's accounting records as operating transfers. The actual cash transfer to the general fund shall be made before September 30 of the next fiscal year.

AUTH: 20-9-102, MCA

IMP: 20-5-324, 20-9-321, 20-9-507, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.10.310 to clarify the applicability of generally accepted accounting principles to the unused year-end balance of tuition receipts deposited under 20-5-324, MCA. This change mirrors current policy for other year-end transfers to the general fund as seen in ARM 10.10.312 and 10.10.315. The addition to this rule adds clarity for readers and makes similar procedures consistent.

10.15.101 DEFINITIONS The following definitions apply to ARM Title 10, chapters 16, 20, 21, 22, and 23:

(1) and (2) remain the same.

(3) "Average daily attendance" or "ADA" is the average number of students present on the dates used to report fall and spring disaggregated enrollment and attendance data. The total number of students present in grades 1-12 and kindergarten students enrolled and present in a full-time kindergarten program, as reported on the fall and spring disaggregated enrollment and attendance data reports, will be added together and divided by two to determine the average daily attendance for that school year. The number of students enrolled and present in prekindergarten and kindergarten students enrolled and present in a half-time kindergarten program, as reported on those data collections, will be added together and divided by four to determine average daily attendance for that school year.

(4) through (8) remain the same.

(9) "Basic entitlement" means the minimum dollar amount as defined in 20-9-306, MCA, that each high school, elementary, accredited middle school or 7-8 grade program, or K-12 district will receive if in operation. ~~Elementary districts that have an accredited 7th-8th grade program receive a prorated basic entitlement. A~~

district's total per-ANB entitlement and its basic entitlement determine its general fund budget limits.

(10) through (19) remain the same.

(20) "Direct state aid" means state equalization aid paid to each district. The amount paid is equal to the percentage of the district's basic entitlements and per-ANB entitlement.

(21) through (29) remain the same.

(30) "Full-time kindergarten" or "FTK" means a kindergarten program offered in accordance with 20-7-117, MCA for the minimum aggregate hours defined in 20-1-301, MCA.

(30) through (32) remain the same but are renumbered (31) through (33).

(34) "Half-time kindergarten" means a kindergarten program established in accordance with 20-7-117, MCA for the minimum aggregate hours defined in 20-1-301, MCA.

(33) through (53) remain the same but are renumbered (35) through (55).

~~(54)~~ (56) "Statewide elementary GTB ratio" or "statewide high school GTB ratio" for GTBA funding of eligible districts' FY 20XX+1 BASE budgets means the ratio of ~~475~~ 193% of the CY 20XX-1 statewide taxable valuation to the statewide elementary or high school total of FY 20XX GTBA budget area.

(55) through (61) remain the same but are renumbered (57) through (63).

AUTH: 20-9-102, MCA

IMP: Title 20, ch. 9, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.15.101 to implement the creation of full-time kindergarten programs under 20-7-117, MCA and the provisions allowing districts to include full-time kindergarten students for purposes of ANB funding under 20-9-311, MCA (SB 2, 2007 Special Legislative Session). This rule is also being changed to amend references to the prorated elementary basic entitlement for districts having accredited 7-8 programs, which SB 2 (2007 Special Legislative Session) replaced with a separate middle school basic entitlement.

10.16.3818 SPECIAL EDUCATION TUITION RATES (1) through (3) remain the same.

(a) Option A: The additional charge shall be calculated by determining the number of hours during which direct special education and related services are being provided each week, as established on the student's individualized education program (IEP). If the total hours are less than 15 (7 1/2 for half-time kindergarten), tuition may not exceed the general education tuition rate. If the total hours per week are 15 (7 1/2 for half-time kindergarten) or more, the total hours will be divided by 30 (the average number of school hours per week, 15 for half-time kindergarten), and multiplied by the maximum general education tuition rate in ARM 10.10.301 to determine the amount which may be added to the rate in ARM 10.10.301.

(b) through (7) remain the same.

AUTH: 20-5-323, MCA

IMP: 20-5-320, 20-5-321, 20-5-323, 20-5-324, 20-9-306, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.16.3818 to make the formula for calculating tuition for special education students consistent with implementation of full-time and half-time kindergarten programs under SB 2 (2007 Special Legislative Session).

10.20.102 CALCULATION OF AVERAGE NUMBER BELONGING (ANB)

(1) and (2) remain the same.

(3) If the school district has not received accreditation by the Board of Public Education for students in grades 7 and 8 funded at the high school per-ANB entitlement rate, the ~~Office~~ Superintendent of Public Instruction shall certify the regularly enrolled 7th and 8th grade students as elementary pupils for ANB purposes. The school district must budget accordingly.

(4) The official count of enrolled students, as defined in ARM 10.15.101, is taken on the first Monday in October and the 1st of February, or the first school day that follows the count date if the official count date is not a school day.

(a) A school district may not count as enrolled on the count date for purposes of ANB calculations a student who:

~~(a)~~ has been absent for the 11th consecutive pupil instruction days immediately prior to and including the official count date;

(b) A school district may not count as enrolled on the count date a student who:

(b) through (e) remain the same but are renumbered (i) through (iv).

(5) After a student is dropped from the rolls in accordance with (4)(b), student absences will not be included for absence and attendance calculations, and student enrollment may not be considered in ANB calculations unless attendance is resumed on or before the date of the official count.

(6) and (7) remain the same.

(a) a kindergarten student enrolled in a program designed to provide less than ~~484~~ 180 hours of pupil instruction time per school year is reported as enrolled but is excluded from eligibility for purposes of ANB. A kindergarten student enrolled in a program designed to provide ~~484~~ 180 hours or more of pupil instruction time per school year is reported as enrolled and is included in eligibility for purposes of ANB.

(b) a student in grades 4 FTK through 12 enrolled in a program designed to provide:

(i) less than ~~484~~ 180 hours of pupil instruction time per school year is reported as enrolled but is excluded from eligibility for purposes of ANB;

(ii) ~~484~~ 180 to 359 hours of pupil instruction time per school year is reported as ~~part-time~~ one-quarter time enrolled;

(iii) through (10) remain the same.

(11) Trustees may apply for increased ANB for early graduates who are enrolled as of the first Monday of October as a senior in high school, in the seventh semester of secondary school, and who complete the graduation requirements prior to the February 1 enrollment count in accordance with 20-9-313, MCA, by ~~filing a~~

~~request with the state Superintendent of Public Instruction stating in the enrollment reports submitted to the Superintendent of Public Instruction the names of pupils which were not included in the February 1 enrollment count because they graduated early and the date of the pupils' graduation. The application information must be submitted by the deadline in ARM 10.20.103 preceding the year for which ANB is being calculated.~~

(12) and (13) remain the same.

(14) A school district must conduct a minimum of 360 hours of pupil instruction for a half-time kindergarten program, a minimum of 720 hours of pupil instruction for grades 4 FTK-3, and a minimum of 1,080 hours of pupil instruction for grades 4-11, ~~and a minimum of 1,050 hours for grade 12.~~

(a) through (15)(a) remain the same.

(i) the enrollment reported by the school district on the October and February enrollment report forms to the Superintendent of Public Instruction, pursuant to 20-9-311, MCA, will be adjusted and averaged by budget unit as follows:

By budget unit: [(enrollment for first Monday in October + enrollment for February 1) - (kindergarten enrollment for students receiving less than ~~484~~ 180 hours of pupil instruction time per school year) - (one-half kindergarten enrollment for students enrolled in a half-time kindergarten program receiving ~~484~~ 180 hours or more of pupil instruction time per school year) - (prekindergarten enrollment) - (part-time enrollment for students in grades 4 FTK through 12 receiving less than ~~484~~ 180 hours of pupil instruction time per school year) - (0.75 times the part-time enrollment for students in grades 4 FTK through 12 receiving ~~484~~ 180 through 359 hours of pupil instruction time per school year) - (0.50 times the part-time enrollment for students in grades 4 FTK through 12 receiving 360 through 539 hours of pupil instruction time per school year) - (0.25 times part-time enrollment for students in grades 4 FTK through 12 receiving 540 through 719 hours of pupil instruction time per school year) - (enrolled students reaching 19 years of age by September 10 of the school year) + (early graduates)] divided by 2 to get the average of the two enrollment counts by budget unit;

(ii) remains the same.

(iii) add the additional approved enrollment, as determined in ARM 10.20.103 and [NEW RULE I], to the enrollment used to calculate the current ANB.

(b) To calculate three-year ANB, the Superintendent of Public Instruction will do the following:

(i) sum total the current ANB by budget unit for the budget year and the two years preceding the year for which three-year ANB could be used for funding, divide the sum by three, and round up to the nearest whole number; and

(ii) add the additional approved enrollment as determined in [NEW RULE I] to the enrollment used to calculate three-year ANB.

(c) remains the same.

(16) When an audit or other review determines the enrollment used for calculating ANB was incorrectly reported, the Superintendent of Public Instruction will make an adjustment as follows:

(a) If the enrollment reporting error is discovered and reported to the Superintendent of Public Instruction before the budget for FY 20XX is adopted and before the date by which the trustees must commence the final budget meeting

required by 20-9-131, MCA, the Superintendent of Public Instruction will recalculate and recertify the district's current or three-year ANB for the FY 20XX budget using the corrected enrollment figures in the ANB calculations.

(b) Except as provided in (16)(c), if an enrollment reporting error is discovered and reported to the Superintendent of Public Instruction on or after the date by which the trustees must commence the FY 20XX final budget meeting required by 20-9-131, MCA, the Superintendent of Public Instruction will determine the direct state aid and guaranteed tax base aid payments the district would have received for FY 20XX if enrollment had been correctly reported and will make a payment adjustment in the current year. Funding will be adjusted, but ANB figures will not be changed for the current year or changed for use in future years' ANB calculations or budgets.

(c) If the Superintendent of Public Instruction determines the enrollment reporting error detected as described in (16)(b) would materially affect the ANB of a future year, resulting either in significant financial hardship or significant overpayment of state funds to a district's general fund budget for a future year if not corrected, the superintendent may use the correct enrollment to certify ANB for the following year's budget. That is, the enrollment error will be corrected and will be used in ANB calculations affecting future years only if the financial impacts are significant.

AUTH: 20-9-102, 20-9-346, 20-9-369, MCA

IMP: 20-1-301, 20-1-302, 20-1-304, 20-7-117, 20-9-311, 20-9-313, 20-9-314, 20-9-805, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.20.102 to provide clarification, implement the creation of full-time kindergarten programs under 20-7-117, MCA and the provisions allowing districts to include full-time kindergarten students for purposes of ANB funding under 20-9-311, MCA (SB 2, 2007 Special Legislative Session), correct references to 181 hours for consistency with 20-9-311, MCA, make minor wording changes to reflect changes in OPI business processes caused by implementation of the new student data system for collecting enrollment data, and establish processes for adjusting payments when audits and desk reviews discover errors in enrollment data reported for prior years which affect the three year enrollment averages.

10.20.102A BUDGET UNIT (1) remains the same.

(2) Those students in the 7th and 8th grade who are enrolled in programs which were approved and accredited by the Board of Public Education will be considered high school pupils for ANB purposes and for determining the total per-ANB entitlement as provided in 20-9-306, MCA. The basic entitlement for the budget unit which includes those students will be ~~prorated based on the percentage of total enrollment ANB in grade K-6 times the elementary basic entitlement and the percentage of total enrollment ANB in grades 7 and 8 in the accredited program times the high school basic entitlement. For purposes of the proration of the basic entitlement, the percentages of ANB will be rounded to the nearest whole percentage point before multiplying by the entitlement amount~~ calculated as

provided in 20-9-306, MCA.

AUTH: 20-9-102, MCA

IMP: 20-9-311, 20-9-313, 20-9-314, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.20.102A to change the references to the prorated elementary basic entitlement for districts which have accredited 7-8 grade programs, which SB 2 (2007 Special Legislative Session) replaced with a separate middle school basic entitlement.

10.20.104 ANTICIPATED UNUSUAL ENROLLMENT INCREASE - ANB CALCULATION (1) and (2) remain the same.

(a) Estimate the district's anticipated enrollment for the next October count using information known to be accurate at the time the estimate is made. By budget unit: [(estimated enrollment for first Monday in October) - (estimated kindergarten enrollment for students receiving less than ~~484~~ 180 hours of pupil instruction time per school year) - (one-half estimated kindergarten enrollment for students enrolled in a half-time kindergarten program and receiving ~~484~~ 180 hours or more of pupil instruction time per school year) - (estimated prekindergarten enrollment) - (estimated part-time enrollment for students in grades 4 FTK through 12 receiving less than ~~484~~ 180 hours of pupil instruction time per school year) - (0.75 times the part-time estimated enrollment for students in grades 4 FTK through 12 receiving ~~484~~ 180 through 359 hours of pupil instruction time per school year) - (0.50 times the estimated part-time enrollment for students in grades 4 FTK through 12 receiving 360 through 539 hours of pupil instruction time per school year) - (0.25 times estimated part-time enrollment for students in grades 4 FTK through 12 receiving 540 through 719 hours of pupil instruction time per school year) - (estimated enrolled students reaching 19 years of age by September 10 of the school year) + early graduates]. This is anticipated enrollment (AE).

(b) through (4) remain the same.

AUTH: 20-3-106, 20-9-102, MCA

IMP: 20-9-166, 20-9-311, 20-9-314, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.20.104 to implement full-time kindergarten programs adopted under SB 2 in the 2007 Special Legislative Session and corrects references to 181 hours for consistency with 20-9-311, MCA.

10.21.101B CALCULATION OF STATEWIDE GTBA (1) The statewide elementary or high school GTB ratio for purposes of calculating FY 20XX+1 general fund GTBA is: ~~4.75~~ 1.93 x calendar year 20XX-1 statewide taxable valuation / total FY 20XX elementary or high school GTBA budget area.

(2) through (4) remain the same.

AUTH: 20-9-102, 20-9-369, MCA

IMP: 20-9-366, 20-9-367, 20-9-368, 20-9-369, 20-9-370, 20-9-371, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.21.101B to change the guaranteed tax base calculation as adopted in SB 2 in the 2007 Special Legislative Session.

10.21.101H CALCULATION OF DEBT LIMITS (1) For an elementary or high school district that is ineligible to receive guaranteed tax base aid under the provisions of 20-9-367, MCA, the maximum amount for which the district may become indebted by the issuance of bonds is ~~45~~ 50% of the taxable valuation of the property within the district.

(2) remains the same.

(a) For an elementary district,

Statewide mill value per elementary ANB x Elementary ANB x 1000 x ~~45~~ 50%;

(b) For a high school district,

Statewide mill value per high school ANB x High School ANB x 1000 x ~~45~~ 50%.

(3) remains the same.

(4) The district average number belonging (ANB) applicable to the calculation in (2) is the district budgeted ANB for the school year in which the bonds are sold. Enrollment increases approved under 20-9-166, MCA after October 1 do not constitute an increase in ANB for the purpose of calculating the district's maximum bonded indebtedness.

(5) remains the same.

AUTH: 20-9-102, MCA

IMP: 20-9-406, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.21.101H to implement HB 672 (2007 Legislative Session).

10.21.201 QUALITY EDUCATOR PAYMENTS - GENERAL FUND

(1) remains the same.

(2) The number of FTE used to determine the payment for FY 20XX+2 will be based on the full time equivalent (FTE) personnel assignments and associated FTE units reported by the district to the Superintendent of Public Instruction on the annual data collection report submitted in the fall of 20XX.

(a) The number of FTE in (2) may be increased if ANB is increased as provided for in 20-9-313, MCA for the purpose of implementing a full-time kindergarten program.

(i) If the additional ANB in (2)(a) is more than 10, the number of FTE will be increased by 1.0 FTE for every 12.6 ANB, rounded to the nearest tenth.

(ii) If the additional ANB is 10 or less, there will be no increase in the number of FTE.

(3) through (6) remain the same.

AUTH: 20-3-106, MCA
IMP: 20-9-327, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.21.201 to fund quality educator payments under 20-9-327, MCA, for new staff hired for the districts' first year implementation of a full-time kindergarten program created under SB 2 of the 2007 Special Legislative Session.

10.21.202 AT RISK STUDENT PAYMENTS - GENERAL FUND (1) and (2) remain the same.

(3) A district's at-risk student payment for FY 20XX will be calculated as follows:

(a) Divide the district's allocation under 20 U.S.C. 6332, et seq. for FY 20XX-1 by the state total of funds allocated to all Montana districts that applied for funds under that program for FY 20XX-1;

(b) Multiply the ratio calculated in (3)(a) by the total state appropriation for at-risk student payments for FY 20XX.

(4) School districts that did not receive funding under the federal program referred to in 20-9-328, MCA, for FY 20XX-1 will not receive an at-risk student payment for FY 20XX.

AUTH: 20-3-106, MCA
IMP: 20-9-328, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.21.202 to clarify the superintendent's method of calculating at-risk student payments under 20-9-328, MCA. At-risk payments are based on the proportionate amounts of federal Title I, Part A funds distributed to each district for the prior year.

10.21.203 INDIAN EDUCATION FOR ALL PAYMENTS - GENERAL FUND

(1) and (2) remain the same.

(3) The annual report required in 20-9-329, MCA for FY 20XX will be based on information reported on the trustees' financial summary for FY 20XX and the annual data collection report submitted by the district to the Superintendent of Public Instruction in the fall of 20XX-1.

AUTH: 20-3-106, MCA
IMP: 20-9-329, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.21.203 to clarify the sources of information used for the annual report on the districts' use of Indian Education for All payments as required by 20-9-329, MCA.

10.21.204 AMERICAN INDIAN ACHIEVEMENT GAP PAYMENTS - GENERAL FUND (1) The Superintendent of Public Instruction will determine and report the American Indian achievement gap payment for each school district by March 1 for the ensuing school year.

(2) The number of students used to determine the payment for FY 20XX+2 1 will be the number of American Indian students enrolled in the district in grades K-12 as reported on the fall enrollment count submitted by the district to the Superintendent of Public Instruction in ~~the fall of~~ FY 20XX. Students reported as not enrolled but receiving special education services and students who were aged 19 or older on or before September 10 of the school year of the count date will not be counted for purposes of this payment.

(3) and (4) remain the same.

AUTH: 20-3-106, MCA

IMP: 20-9-330, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.21.204 to establish the process for determining the number of American Indian students in each district to be funded under the American Indian Achievement Gap payments under 20-9-330, MCA, passed in the 2005 Legislative Session.

10.22.102 GENERAL FUND SPENDING LIMITS (1) ~~This rule is effective for fiscal year 2006-07 only.~~

~~(2) The trustees must adopt a budget at least equal to the BASE budget.~~

(2) For purposes of determining general fund spending limits, the trustees may add to the current year budget:

(a) the sum of any increases in state funding for any/all of the following:

(i) the quality educator payment;

(ii) the at-risk student payment;

(iii) the Indian Education for All payment deposited into the general fund; and

(iv) the American Indian achievement gap payment.

(b) in the initial year of implementation of a full-time kindergarten program, an amount equal to (one-half the kindergarten enrollment in the current year) times (the sum of the maximum per-ANB rate for an elementary ANB and the Indian Education for All payment for an ANB for the current year).

(3) If a district's current year budget, including any additions from (2), does not exceed the ensuing year's maximum budget ~~and the district did not adopt a budget from FY 2000-01 to FY 2004-05 that exceeded the maximum general fund budget limit for that year,~~ the following limits apply.

(a) Without voter approval, the trustees may adopt a budget equal to the sum of the following:

(i) the ensuing year's BASE budget;

(ii) the previous year's over-BASE levy amount;

(iii) the fund balance available to reappropriate to fund the over-BASE budget;

(iv) the prior year's excess reserves under 20-9-141, MCA, available to fund

the over-BASE budget; and

(v) the estimated tuition revenue available to fund the over-BASE budget.

(b) With voter approval of the budget exceeding (3)(a), the trustees may adopt a budget not greater than the ensuing year's maximum.

(4) If a district's current year budget, including any additions in (2), does not exceed the ensuing year's maximum budget and the district adopted a budget in at least one year from FY 2000-01 to FY 2004-05 that exceeded the maximum general fund budget limit for that year, the following limits apply:

(a) If the highest budget for FY 2000-01 to FY 2004-05 is less than the ensuing year maximum budget the trustees, ~~w~~Without voter approval, the trustees may adopt a budget equal to the sum of:

(i) the ensuing year's BASE budget;

(ii) the previous year's over-BASE levy amount;

(iii) the fund balance available to reappropriate to fund the over-BASE budget;

(iv) the prior year's excess reserves under 20-9-141, MCA, available that will be used to fund the over-BASE budget; and

(v) the estimated tuition revenue available to fund the over-BASE budget.

(b) ~~If the highest budget adopted for FY 2000-01 to FY 2004-05 exceeds the ensuing year maximum budget the trustees, without voter approval, may adopt the ensuing year maximum.~~

~~(c) With voter approval of the amount of budget exceeding (4)(a), the trustees may adopt the greater of the ensuing year maximum or the highest budget adopted for FY 2000-01 to FY 2004-05 a budget not greater than the current year budget with additions as calculated in (2).~~

(5) ~~If a district's current year budget exceeds the ensuing year's maximum budget, the following limits apply:~~

~~(a) Without voter approval the trustees may adopt a budget equal to the greater of:~~

~~(i) the ensuing year maximum budget; or~~

~~(ii) the sum of:~~

~~(A) the ensuing year's BASE budget;~~

~~(B) the previous year's over-BASE levy amount;~~

~~(C) the fund balance available to reappropriate to fund the over-BASE budget;~~

~~(D) the prior year's excess reserves under 20-9-141, MCA, available to fund the over-BASE budget; and~~

~~(E) the estimated tuition revenue available to fund the over-BASE budget.~~

~~(b) With voter approval of the amount of budget exceeding (5)(a):~~

~~(i) if the district did not adopt a budget in at least one year from FY 2000-01 to FY 2004-05 that exceeded the maximum general fund budget limit for that year, the trustees may adopt the prior year's adopted budget; and~~

~~(ii) if the district adopted a budget in at least one year from FY 2000-01 to FY 2004-05 that exceeded the maximum general fund budget limit for that year, the trustees may adopt the highest budget adopted for FY 2000-01 to FY 2004-05.~~

(6) For a nonoperating district that is reopening, budget limitations for the general fund shall be based on the last operating year's budget for the general fund.

~~This budget will be considered the prior year's budget and used in calculations to determine budget limitations for the year of reopening. These budget limitation calculations may not allow a general fund budget below BASE or above maximum as calculated for the year of reopening. The general fund budget adopted for the last year in which the district operated a school will be considered the prior year's budget for purposes of determining budget limitations for the year of reopening. The district must adopt a general fund budget that is at least equal to BASE and does not exceed the maximum general fund budget for the year of reopening.~~

(a) For a nonoperating district that reopens a school under 20-6-502, MCA, the ~~applicability of~~ school isolation provisions in 20-9-302, MCA, will be ~~determined by applied based on~~ the budgeted ANB in the last operating year and the budgeted ANB in the year the school reopens.

~~(7)~~ (6) For purposes of determining the spending limit for a school district participating in a full service cooperative for special education programs, the BASE budget amount and maximum general fund budget may include a portion of the payments received by the full service cooperative in support of special education programs. The ~~state~~ Superintendent of Public Instruction will notify each school district participating in a cooperative of its payments for use in setting its BASE budget and maximum general fund budget for the ensuing school fiscal year.

~~(8)~~ (7) The ~~state~~ Superintendent of Public Instruction shall monitor the general fund budgets of each school district to ensure compliance with the spending limits established in 20-9-308, MCA. The ~~state~~ Superintendent of Public Instruction may request a revised budget from any district whose general fund budget is not within the limits using the guidelines established in ARM 10.10.503.

~~(9)~~ (8) When budgeting for the first year of operation following a consolidation or annexation:

(a) the budgets of the combining districts for the year preceding the first year of operation as a consolidated or annexed district will be summed;

(b) the amount calculated in ~~(9)~~ (8)(a) will be used in place of the current year budget in ~~sections~~ (2) through (4) for purposes of determining the consolidated or annexed district's ensuing year budget limitations; and

(c) regardless of the relationship of the individual combining districts' adopted budgets to their individual BASE and maximum budgets for the year preceding the first year operating as a newly consolidated district, the amount calculated in ~~(9)~~ (8)(a) will be assumed to have been no more than the maximum budget of that year for purposes of determining the ensuing year's budget of the newly consolidated district; and

~~(d) if a newly consolidated district adopts a budget that exceeds the maximum budget for the ensuing year, it will be assumed to be the first year of over-maximum budgeting for the purposes of applying the limit on the number of years the district is allowed to adopt a budget that exceeds the maximum budget under 20-9-308, MCA.~~

AUTH: 20-9-102, MCA

IMP: 20-9-308, 20-9-315, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction

has determined it is reasonable and necessary to amend ARM 10.22.102 to implement a new set of general fund budget limitations and voting requirements adopted in HB 363 (2007 Legislative Session).

10.23.103 VOTED AMOUNT (1) remains the same.

~~(2) Except as provided in (3), if adopting a general fund budget that exceeds the ensuing year's maximum general fund budget and is within limits of 20-9-308, MCA, the trustees must obtain voter approval for any amount budgeted above the ensuing year's maximum budget.~~

~~(3) For FY 2005-06 and FY 2006-07, the trustees adopting a general fund budget that exceeds the ensuing year's maximum general fund within the limits of 20-9-308, MCA, must obtain voter approval for the amount budgeted above the greater of:~~

~~(a) the ensuing year's maximum budget; or~~

~~(b) the sum of the BASE, plus the previous year's over-BASE levy amount, plus the fund balance reappropriated available to fund the over-BASE budget, plus the prior year's excess reserves used to fund the over-BASE budget, plus the estimated tuition revenues used to fund the over-BASE.~~

AUTH: 20-9-102, MCA

IMP: 20-9-353, MCA

Statement of reasonable necessity. The Superintendent of Public Instruction has determined it is reasonable and necessary to amend ARM 10.23.103 to implement general fund budget limitations and voting requirements adopted in HB 363 (2007 Legislative Session).

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted by mail to the Superintendent of Public Instruction, P.O. Box 202501, Helena, Montana 59620-2501, or by e-mail to opirules@mt.gov and must be received no later than 5:00 p.m. on July 30, 2008.

6. Kathleen Magone, OPI Chief Legal Counsel, has been designated to preside over and conduct the hearing.

7. The Office of Public Instruction maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Legal Division, Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620-2501, faxed to the office at (406) 444-2893, or may be made by completing a request form at any rules hearing held by the Superintendent of Public Instruction.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were notified on December 17, 2007 by mail.

9. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Linda McCulloch

Linda McCulloch

State Superintendent of Public Instruction

/s/ Kathleen Magone

Kathleen Magone

Rule Reviewer

Certified to the Secretary of State June 16, 2008.